



State of California • Arnold Schwarzenegger, Governor
State and Consumer Services Agency

DEPARTMENT OF GENERAL SERVICES

Division of the State Architect

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UPDATED INFORMATIVE DIGEST For TITLE 21. DIVISION OF THE STATE ARCHITECT

The Division of the State Architect finds that revisions have been made which would warrant a change to the informative digest contained in the Notice for Adoption of Title 21. Division of the State Architect.

UPDATED INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Division of the State Architect adopts Articles 1 through 5 in Title 21, Division 1, Chapter 1, Subchapter 2.5 of the California Code of Regulations (CCR). These sections concern a Voluntary Certified Access Specialist Program which includes: Article 1 (General Provisions), Article 2 (Definitions), Article 3 (Certification Process), Article 4 (Fees), and Article 5 (Enforcement).

Government Code Sections 4459.7(a) through 4459.8(b) also provide the State Architect to annually publish and make available to the public a list of Certified Access Specialists (CASp) and provide that this certification is effective for 3 years and renewable.

The purpose of the Voluntary Certified Access Specialist Program is to establish a state body for voluntary certification of competence as a Certified Access Specialist, as enacted by Chapter 872, Statutes of 2003.

Article 1 – General Provisions

Section 113. CASp Scope of Work

The term “authorized agent” has been changed to “authorized requesting party”. Also current regulations are only applicable to new construction as stated by the commenter. Regulations applicable to existing construction are those in effect at the time of construction. The proposed revised regulation recognizes this distinction. Therefore, the reference to ‘current’ as originally appearing on the regulation is deleted. A CASp who is other than a design professional may only observe, report and/or defer to others; their observations and findings, and has no authority to certify a building or facility as compliant with state and federal laws, codes and regulations.

Section 114. CASp Scope of Work Limited To Design Professionals

The title of this Section may have been viewed as confusing as to its intent by those not licensed as Design professionals and therefore the regulation has been clarified as to its intent, therefore the words “CASp Scope of...” are deleted.

The language of the text in this section has been modified to indicate that architects and other design professionals are able to perform the services specified in Section 113, CASp Scope of Work, under the purview of their license or registration. The Certified Access Specialist (CASp) certification is only issued to those who have achieved a passing score on the CASp examination and complete fifteen (15) Continuing Education Units (CEU's) during each subsequent three year period of certification. The modified text in this section now clearly defines the services of a “design professional” as it relates to services specific to those with a CASp certification.

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Article 2 – Definitions

Section 121 “Access Specialist” has been modified by inserting “Certified” before Access Specialist, indicating that the term “Certified Access Specialist” is limited to and indicative of an individual whose name appears on the Division of the State Architect’s current list of Certified Access Specialists.

Article 3 – Certification Process

Section 132. Criminal Convictions

Proposed text of this section has been modified to substitute “shall” for “may”

Section 133. Education and Experience

The term “qualifying experience” is clarified in this section . This is to establish that the applicant has a minimum of knowledge, skills and abilities with which to be eligible to take the CASp examination. The term “disabled community” will be changed to “disability community”.

Section 134. Candidate Examination

The term “exam courses” is not used in the regulation text. This section identifies areas of study for which Certified Access Specialists will be required to demonstrate their knowledge, skills and abilities.

Section 136. Certification Renewal

The State Architect has determined that in lieu of a recertification examination, the completion of fifteen(15) Continuing Education Units (CEU’s) of approved classes in Federal and State access regulation updates, and Universal Design, during the tri-annual period of certification will qualify a certificate holder for recertification.

Article 4 – Fees

Section 141. Fees

A review of the proposed fees has resulted in an adjustment of fees as follows:

Application Fee: \$500

Examination Fee: \$800

Certification Fee: \$300

Tri-annual CEU Verification and Certification Renewal Fee: \$500.00

This is the minimum level of fees necessary to support the program operating costs, given the projected level of participation. If more people apply to be certified, the fees may be able to be lowered in the future.

Article 5 – Enforcement

Section 151(a)3. Grounds for Certification Suspension, or Denial of Certification Renewal

Reference to “Industry Standards” has been deleted from this section. DSA will determine the factual correctness of submitted complaints.

EFFECT ON SMALL BUSINESS

The Division of the State Architect has determined that the proposed regulation does not affect small businesses because the regulation does not regulate small businesses, does not require a report or any other compliance activities.

CONSIDERATION OF ALTERNATIVES

The Division of the State Architect must determine that no reasonable alternative considered by DSA or that has otherwise been identified and brought to the attention of DSA would be more effective in carrying out the purpose for which the regulation is adopted or would be as effective and less burdensome to affected private persons than the adopted regulation.

TEXT OF REGULATIONS AND FINAL STATEMENT OF REASONS AND INFORMATION

The Division of the State Architect has prepared a final statement of reasons that sets forth the reasons for the adoption of the Voluntary Certified Access Specialist Regulations and has all the information upon which the adoption is based.

Copies of the exact language of the adopted regulations and of the final statement of reasons, and all of the information upon which the adoption is based, may be obtained from our website as listed below upon written request to the contact person listed below.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All of the information upon which the adopted regulations are based is contained in the rulemaking file, which is available for public review by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the Division of the State Architect's website as listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be directed to:

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Please direct requests for copies of the regulations, the final statement of reasons, or other information upon which the rulemaking is based to Mr. Conrad at the above address.

Copies of the Final Statement of Reasons, and the text of the regulations can be accessed through our website at <http://www.dsa.dgs.ca.gov/CertifiedAccess/default.htm>